



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/385,597	08/30/1999	JAMES A. PARKER	283_205CIP	9401

20874 7590 07/05/2002

WALL MARJAMA & BILINSKI  
101 SOUTH SALINA STREET  
SUITE 400  
SYRACUSE, NY 13202

EXAMINER

LE, UYEN CHAU N

ART UNIT	PAPER NUMBER
----------	--------------

2876

DATE MAILED: 07/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

75

# Office Action Summary

Application No.

09/385,597

Applicant(s)

PARKER ET AL.

Examiner

Uyen-Chau N. Le

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Prelim. Amdt/Amendment***

1. Receipt is acknowledged of the Amendment and the Terminal Disclaimer filed 26 February 2002.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
4. Claims 1-31, 38 and 41-58 rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott et al (US 4,866,257) in view of VanHorn et al (US 5,736,726).

Elliott et al discloses an optical reader 12 comprising a memory 60 in communication with a processor 18 having program stored thereon for controlling operation of the optical reader 12; the

Art Unit: 2876

optical reader 12 being adapted to receive a component control instruction from a nonintegrated processor 10, and further being adapted to execute the component control instruction from the nonintegrated processor 10 (fig. 1; col. 3, line 45 through col. 4, line 46).

Elliott et al fails to teach or fairly suggest the system comprising a 2D imaging assembly includes an illumination source; a remote trigger activation instruction; an acoustic output device; a keyboard and a display; and a gun style housing.

VanHorn et al teaches the above limitation with a gun style optical reader 100 having a 2D imaging assembly (col. 9, lines 1+) includes an illumination source 305 (figs. 3-4b; col. 6, line 32 through col. 7, line 28); a remote trigger activation instruction 162 (figs. 1-4b & 9; col. 6, lines 32+); an acoustic output device 107 (fig. 7; col. 5, lines 5-8); a keyboard 128 and a display 135 (figs. 1 & 8-9; col. 4; lines 30+); an antenna 140 for wireless communication (fig. 1; col. 4, lines 36+).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of VanHorn et al into the teachings of Elliott et al in order to provide Elliott et al with a more compact and convenient system, wherein the system can be operated easily by one hand (i.e., due to gun style and trigger activation). Furthermore, such modification would provide Elliott et al with a capability of reading high capacity of encoding data (i.e., reading 2D image, which contains more encoded data). Moreover, such modification would provide the user with a greater flexibility in inputting data via keyboard, reviewing output data through the display and knowing whether a good read/scanning has accomplished, and thus providing a more user-friendly system. Accordingly, such modification would have been an obvious extension as taught by Elliot et al, and therefore an obvious expedient.

5. Claims 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott et al as modified by VanHorn et al as applied to claim 9 above, and further in view of Kahn et al (US 5,801,371). The teachings of Elliott et al as modified by VanHorn et al have been discussed above.

Re claims 39-40, Elliott et al as modified by VanHorn et al have been discussed above but fails to teach or fairly suggest the nonintegrated processor is a local host processor adapted so that data is input thereto via a graphical user interface.

Kahn et al teaches the above limitation with a graphical user interface may be to refer to specific program (fig. 2; col. 8, lines 6+).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Kahn et al into the teachings of Elliott et al/VanHorn et al in order to provide Elliott et al/VanHorn et al with a more user-friendly system, wherein the graphical interface would provide the user a better understanding in selecting program, the user therefore can operate the system readily in a desire mode with his/her program/selection. Furthermore, such modification would Elliott et al/VanHorn et al with an attractive system due to graphic images/interface, which would attracted more user to use the system. Accordingly, such modification would have been an obvious extension as taught by Elliott et al/VanHorn et al, and therefore an obvious expedient.

6. Claims 32-37 and 59-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott et al as modified by VanHorn et al as applied to claims 1 and 9 above, and further in view of Koenck et al (US 5,576,529). The teachings of Elliott et al as modified by VanHorn et al have been discussed above.

Re claims 32-37 and 59-64, Elliott et al as modified by VanHorn et al have been discussed above but fails to teach or fairly suggest the component control instruction when executed by the

Art Unit: 2876

reader results in flashing of the at least one light source and/or in a series of beeps being emitted by the acoustic output device.

Koenck et al teaches the above limitation with three short beeps are generated by means 120 and/or illuminator means 15 provide the reader with flash when component control instruction executed (figs. 1-4; col. 8, line 62 through col. 10, line 21).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings Koenck et al into the teachings of Elliott et al/VanHorn et al in order to provide Elliott et al/VanHorn et al with a more convenient system wherein the user is notified with a series of beeps and/or flash when a complete/invalid read/scan is done. Furthermore, such modification would provide Elliott et al/VanHorn et al with a more accurate system wherein the user will repeat the scanning step if an invalid scan has made or will scan the next item/object if a complete/successful scan has made, and thus providing a time consuming system. Accordingly, such modification would have been an obvious extension as taught by Elliott et al/VanHorn et al, and therefore an obvious expedient.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Parker et al was used improperly in the last office action. A new ground of rejection is made based on new reference.

Art Unit: 2876

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patents to Tausch (US 5,811,784); Davis et al (US 4,721,849); Shepard et al (US 4,758,717); Eastman et al (US 5,440,111); Dvorkis et al (US 5,235,167); Danielson et al (US 5,640,001); Danielson et al (US 4,877,949); Li et al (US 5,717,221); Li et al (US 5,672,858); Joseph et al (US 5,710,417); Kahn et al (US 5,600,121); Ju et al (US 5,815,200); Wike Jr. et al (US 5,719,385); and Poland (US 4,825,058) are cited as of interest and illustrate a similar structure to an optical reader system comprising local host processor and optical reader.

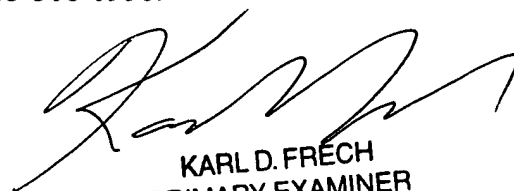
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 703-306-5588. The examiner can normally be reached on M-F 6:00-1:30 and Sat 6:00-11:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL G LEE can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

  
Uyen-Chau N. Le

June 25, 2002

  
KARL D. FRÉCH  
PRIMARY EXAMINER